

CrR 12. PLEADINGS AND MOTIONS BEFORE TRIAL

(a) and (b) [Reserved].

(c) Motion Date and Procedure.

(1) *Time for Motions.* At the time of arraignment the court shall set a date for the filing of pretrial motions. No motion may be filed subsequent to that date except upon leave of court for good cause shown. If arraignment is postponed at the request of the defendant, the deadline for filing and service of pretrial motions shall be three weeks from the date originally set for arraignment, unless the court otherwise orders. In the event superseding charges are filed, counsel for defendant may apply to the district judge or to the magistrate judge for additional time to file pretrial motions. Such application shall be made on or before the date initially set for arraignment on the superseding charges.

(2) *Obligations of Movant.* The moving party shall serve the motion, a supporting brief, and a proposed order on each party that has appeared in the action, and shall lodge the proposed order and file the motion and brief with the clerk. The moving party shall also note the motion, as prescribed in subsection (7) hereof. If the motion requires the consideration of facts not appearing of record, the movant shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion.

(3) *Obligations of Opponent.* Each party opposing the motion shall, within seven calendar days after the filing of a motion, file with the clerk, and serve on each party that has appeared in the action, a brief in opposition to the motion, together with any supporting material as provided in subsection (2) hereof. The time for service and filing of the brief and any other materials in opposition to the motion may be extended by the court or by written stipulation of the parties; however, the parties may not stipulate to a response date later than the noting date.

(4) *Need for Evidentiary Hearing.* Each motion and response shall state whether an evidentiary hearing is necessary.

(5) *Noncompliance.* If a party fails to file the papers required by this rule, or fails to appear on the day appointed for argument or hearing if such be required by the court, such failure may be deemed by the court to be an admission that the motion, or the opposition to the motion, as the case may be, is without merit.

(6) *Length of Briefs.* Supporting and opposition briefs filed in connection with any pretrial motion shall not exceed twelve 8 1/2 by 11 inch pages without prior approval of the court. Any reply brief shall not exceed six 8 1/2 by 11 inch pages without prior approval of the court.

(7) *Noting and Consideration of Motions.* Unless otherwise authorized by the court,

motions shall be noted for consideration for the second Friday after the motion is filed. The motion shall include in its caption (immediately below the title of the motion) a designation of the Friday upon which the motion is to be noted upon the court's motion calendar. A motion may be noted for a Friday which is a holiday. The form shall be as follows:

NOTE ON MOTION CALENDAR: [insert date noted for consideration.]

(8) *Emergency Motions.* Motions to shorten time are abolished. Parties may request a telephonic hearing on a motion, following the procedures established in CR 7(i) of the local civil rules of this court.

(9) *Emergency Motions.* If immediate action is necessary and the judge assigned to the case is unavailable any other judge may hear and dispose of the matter requiring immediate attention, but such action shall not constitute reassignment of the case or proceeding.

(10) *Evidentiary Hearings and Oral Arguments.* Unless otherwise ordered by the court, all motions will be decided by the court without oral argument. A party desiring oral argument shall so indicate by typing ORAL ARGUMENT REQUESTED in the caption of the motion or responsive brief. If the court determines an evidentiary hearing is appropriate or grants a request for oral argument, the clerk will notify the parties of the date and hour thereof. Counsel shall not appear on the date the motion is noted unless so directed by the court.

(11) *Reconsideration of Motions.*

(A) Standards. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

(B) Procedure. A motion for reconsideration shall be plainly labeled as such. The motion shall be noted for consideration on the Friday following the day it is filed. The motion shall point out with specificity the matters which the movant believes were overlooked or misapprehended by the court, any new matters being brought to the court's attention for the first time, and the particular modifications being sought in the court's prior ruling. Failure to comply with this subsection may in itself be grounds for denial of the motion.

(C) Response. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion. A reply may be filed not later than five court days after all responses have been served and

filed or the time for filing responses has expired, whichever is earlier.

(d) through (i) [Reserved].

See Rule CrR 49, Service and Filing of Papers; and see Local Rules W.D.Wash. (Local Civil Rule CR 10, Form of Pleadings).

[Effective May 1, 1992; amended effective July 1, 1997; January 1, 2002.]